

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 23 are pending in the application and the Examiner rejected all of the claims. Applicant has added new claims 24-26. Accordingly, claims 1 through 26 are now presented for examination.

Rejection of Claims 1-23 under 35 U.S.C. §§102 and 103

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 4-10, 12-14, 16-19, and 21-23 under 35 U.S.C. §102(e) as being obvious over U.S. Patent No. 6,484,148 to Boyd. Applicant believes the Examiner meant to reject these claims under § 102 as being anticipated by Boyd and presents arguments accordingly. On page 3 of the Office Action, the Examiner rejected claims 3, 11, 15 and 20 under 35 U.S.C. §103(a) as obvious over Boyd.

The Present Invention

The present invention is directed to a method, system, and computer program for providing targeted advertising to a group of individuals. Particularly, *group data* is collected, passively, from communication-enabled wireless communication *devices and products* present in an advertising area. Advertisements are selected to be displayed based on collected group data only for communication-enabled wireless communication devices and products present in the advertising area at the time of display (see specification, page 10, line 18), i.e., advertising is displayed that corresponds only to devices and products that are still in the area.

U.S. Patent No. 6,484,148 to Boyd

U.S. Patent No. 6,484,148 to Boyd ("Boyd") teaches a three-step process whereby an individual associated with an electronic device is *identified* based on signals being emitted by the electronic device; a consumer profile information database is *accessed* to retrieve consumer profile information relating to the identified individual; and then, based upon the consumer profile information retrieved from the consumer profile information database, targeted advertisements are *delivered* to the individuals.

Boyd Does Not anticipate nor Render Obvious the Claimed Invention

The present claimed invention includes "collecting group data passively from communication-enabled wireless communication devices and products present in an advertising area". First, nothing in Boyd teaches or suggests collecting data passively from *products* of any kind. Boyd is directed to determining the identity of a person associated with a device, and then going to a database to obtain consumer profile information about the identified person. This consumer profile information is then used to provide advertising that may be relevant to the person associated with the consumer profile information. The present invention obtains group data from, *inter alia*, "passively tagged (radio, infrared, optical, etc.) items carried on or by individuals." (Specification, page 6, lines 5-6). RFID tags are given as an example of one such passive wireless communication device.

Second, the specification defines "group data" as "information or files stored in the PDAs 20, such as shopping list files, to-do list information, purchase history, product preferences, demographics of the owner of the PDA (name, home address, etc.)...." Group data is not obtained from a third-party source such as the consumer profile database described in Boyd.

Rather, the group data of the present invention is clearly data that is regularly stored on the communication-enabled wireless communication device and products. By utilizing such group data that is always available on the communication-enabled wireless communication device and product, the intermediate step required and taught by Boyd, i.e., accessing the consumer profile database, is unnecessary. This results in a simpler and more efficiently operating system and is patentably distinct from the teachings and suggestions of Boyd. Since Boyd does not teach or suggest collecting group data passively from communication-enabled wireless communication devices and products, and since all of the claims specifically include these limitations, the present invention is neither anticipated by or obvious in view of Boyd.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-23 under 35 USC §103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

A Petition extending the period for response for one month, to February 24, 2007, is being filed separately, along with authorization to charge the extension fee to a credit card. Extra claim fees, and any other additional fees associated with this communication, are authorized to be charged to applicant's Deposit Account No. 09-0461.

Respectfully submitted

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Date

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